

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

The Examiner rejected claims 1-5, 7, 8, and 10-20 under 35 U.S.C. 103(a) as being unpatentable over Shingleton in view of Nath et al. This rejection is traversed, particularly as to the amended claims.

Independent claim 1 has been amended to recite that the drive assembly is "disposed on a top of at least one of said support pillars and positioned at least substantially collinear with said horizontal support beam". It is believed that no new issues are raised by this minor amendment because the limitation of the drive assembly was already contained in the claim and thus any solar tracking assemblies containing a drive assembly would have already been located by the Examiner's initial search. No new matter is presented by this amendment, (see page 7, lines 24-25 and Fig. 7b and 9a of the application as originally filed).

Nath et al. fail to teach any type of drive assembly. Although Shingleton teach various embodiments having a drive assembly, every one of the embodiments of Shingleton which have a drive assembly requires the placement of the drive assembly in a place other than on "on at top of at least one of said support pillars" as is claimed in Applicant's amended independent claim 1. Still further, none of the embodiments of Shingleton, which have a drive assembly, position that drive assembly "collinear with said horizontal support beam" as is further claimed in Applicants amended independent claim 1.

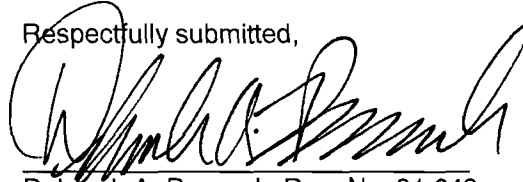
Because amended independent claim 1 is believed to be in condition for allowance, dependent claims 2-5, 7, 8, and 10-20 are thus also in condition for allowance.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Respectfully submitted,



Date: May 19, 2008

By:

Deborah A. Peacock, Reg. No. 31,649
Direct line: (505) 998-1501

PEACOCK MYERS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Telephone: (505) 998-1500
Facsimile: (505) 243-2542

Customer No. 005179

G:\A-CLIENTS\Sacred Power\AMDS\Tracking Solar Shelter_OA Resp (2) 042808.doc